

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
May 13, 2015

PRESENT: Seth Davis, Chair
Alan Macdonald
Rhoda Stephens
Christine Wagner

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Doug Olcott
Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of May 13, 2015 was called to order at 8:00 P.M.

2. NEW BUSINESS:

- a) **Matthews, John, Contract Vendee – 43 Sunset Drive.** Located in a RA-9 District and designated on the Tax Maps of the Village as Section 79.09 Block 3 Lot 7. Request for total side yard variance, lot width variance, and lot area variance for a proposed new single-family house.

John Matthews was present at tonight's meeting along with his wife, Nora Hildinger. Mr. Matthews presented the application. He explained that, as indicated on the drawings with the application, he is seeking a side yard variance, a lot width variance, and a lot area variance in order to build a single-family house on a lot that has been vacant since at least 1979 when purchased by the current owner and that he believes would fit in with the neighboring houses on Sunset Drive. The lot is in a RA-9 District. The lot is being purchased from his mother-in-law, Irene Hildinger, who also owns the adjoining lot (45 Sunset Drive).

Chairman Davis asked Mr. Sperber if a subdivision map was available, but Mr. Sperber explained that the lot was a separate lot going as far back as indicated on the 1907 Harmon Map. He said he and Dan O'Connor, Village Engineer, had made a conclusion that the lot has and has always had its own identity and that the lot does not qualify as an existing small lot.

Chairman Davis then asked Mr. Matthews what would be required to have the house meet zoning standards. Mr. Matthews replied that a compliant house would be totally out of character with the neighborhood and would result in a very thin house. He added that the lot was nice and level and there would not be much disturbance to the area. He also had submitted a tax map of the surrounding area which he believes highlights that over

50% of the houses along Sunset Drive are on 50-foot wide lots and said that many have encroachments. He said the lot is only 2 lots away from a RA-5 District.

Mr. Macdonald asked what the square footage of the proposed house is, to which Mr. Sperber replied 2,250 sq. ft., exclusive of the garage.

Chairman Davis then opened the hearing to the public and first to step forward was Leslie Ellis who lives at 39 Sunset Drive, right next door to the lot at issue. She read a letter of opposition, dated May 7, 2015, she had written to the Zoning Board and submitted to the Engineering Department on May 11, 2005. The letter was included in tonight's documentation.

In response to Mr. Macdonald's inquiry, she added that her house is only 2.5 feet from the shared property line. Mr. Sperber explained that Ms. Ellis' house at 39 Sunset Drive had been built prior to any zoning code and is therefore legally non-conforming. He said that 43 and 45 Sunset Drive are both currently under single ownership but are not legally merged and that one variance request for 43 Sunset Drive related to the house and the other two variance requests related to the lot.

Ms. Nora Hildinger asked to speak. She wanted to point out that she had spoken to surrounding neighbors and had letters of support from them which she had submitted to the Board. They included John Manco of 37 Sunset Drive, Gunnar Andersen of 36 Sunset Drive, and Cynthia Andersen, also of 36 Sunset Drive. She said neighbors from 47 Sunset Drive and 30 Sunset Drive were present at tonight's meeting to show their support also. She said that many homes in the immediate area are on 50-foot wide lots.

Mr. Matthews stated that he sat down with the architect and they worked to minimize the impact on the adjoining neighbor as evidenced by putting the larger side yard setback on that side. He also said that he would eliminate the chimney and replace it with a wood burning stove to eliminate that objection and he would go with a 1-car driveway and a 1-car garage to eliminate any parking issues and that drainage would be addressed. He stated that the lot could be built on without variances but it would be a poorly designed house. He said he had compassion for the environment and for his neighbors. He said he had discussed the project with all the immediate neighbors except for Ms. Ellis, whom he said had given him no acknowledgement.

Ms. Ellis countered saying that she is not ignoring Mr. Matthews but that she was never approached about the house. She said she heard about it because there were concerns.

Judith Coleman, residing at 44 Sunset Drive, which is directly across from the lot at issue, was next to speak. She stated that it was very difficult for her to be present tonight. She said that when she first heard about the proposed house she was very happy that the newlyweds wanted to build the house. Afterwards, however, having heard about some of the concerns, she felt that there could be a negative impact to the neighborhood and that it could affect the value of her house. She said she is feeling torn but that she is not in support of such major variances.

Ann Turner, of 30 Sunset Drive, spoke next to express her support of the project.

Next, Gary Yates, Architect for the project, spoke in support of the project saying that the Village is reaching its capacity and that only smaller lots are remaining. He suggested the Board consider allowing building on these smaller lots which are perfectly safe lots. He added that most of the smaller lots will and do require variances. He said he tried to design a house that would fit the lot. In response to Chairman Davis' question as to whether he had considered any other configurations for the house, Mr. Yates replied that one might as well put a trailer there and that a redesign could result in inadequate front and side yards.

With no one else stepping forward to speak, the public hearing was closed. Chairman Davis asked the Board members for their thoughts.

Ms. Wagner stated she felt that although she appreciated the Applicant's desire to remain in the neighborhood, the criteria to grant the variances was not there.

Mr. Macdonald said he had concerns for the neighbor, Ms. Ellis, at 39 Sunset Drive, whose house is only 2.5 feet from the adjoining side property line. He said she was there first.

Ms. Stephens stated that an attempt was being made to treat the lot, in a RA-9 zone, as if it was in a RA-5 zone. She said she was not persuaded and added that every building site the Board deals with is unique unto itself and if the variances were to be granted, this exception could set a precedent.

Chairman Davis said that the lot at issue is in an area where the existing houses don't fit the zone. The lot is in a RA-9 zone and not a RA-5 zone and changing the zoning would remedy the situation. He said the Board listens to neighbor concerns and that just because someone owns a lot doesn't mean you can build on it. He said he did not see the criteria for granting the variances.

Ms. Wagner then made a motion to grant an 8-foot total side yard variance, a 25-foot lot width variance, and a 2,141 sq. ft. lot area variance for a proposed new single-family house. Mr. Macdonald seconded the motion. The vote was 0 to 4 with all members present voting against the motion.

3. APPROVAL OF MINUTES:

Ms. Stephens made a motion to approve the amended minutes and the resolution of the April 8, 2015 Zoning Board of Appeals meeting. The motion was seconded by Ms. Wagner. The motion passed 4 - 0.

Ms. Stephens wanted it noted that the Village Liaison was absent from tonight's meeting.

4. ADJOURNMENT:

The meeting was adjourned at 9:20 P.M.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals